Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
Technical Requirements to Enable Blocking	)	
of Video Programming based on Program	)	ET Docket No. 97-206
Ratings	)	
	)	
Implementation of Sections 551 [c], [d] and	)	
[e] of the Telecommunications Act of 1996	)	

Comments of IPPV Enterprises
in response to
Notice of Proposed Rulemaking

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Comments of IPPV Enterprises

IPPV Enterprises is a partnership of MAAST, Inc. and Summit Technologies. The partnership has several patents relative to impulse pay-per-view and parental control.

The Telecommunications Act of 1996 requires most new TV sets made or imported into the U.S. to contain rating control technology. Generally, such a system would provide that each program be rated using categories developed by the programmers, the FCC or others. These ratings can be transmitted in the Vertical Blanking Interval (VBI) or other convenient place in or out of the television band. Using the television set or set-top box remote control, the viewer simply sets the rating control to the upper limit of acceptable program ratings. A comparator compares the program rating with the limit set by the viewer. When a program of a higher rating is received, viewing of the program is blocked.

This requirement to label programs is consistent with a broader trend of labeling. We label medicines to advise users of their contents, uses and possible adverse interactions with other medicines. In addition, we package medicines in special ways to prevent children from accessing product that would be harmful to them. Adding the safety of child proof packages may result in a little inconvenience, but protecting the health and safety of children makes it well worth it. Accidental poisonings of children have dropped substantially since the initiation of these requirements.

Other products are labeled, including food (with respect to content and nutrition), cigarettes, country of origin and so on. Labels on products are important because they help consumers make informed choices. Electronic labeling of programming is a practical and efficient way to enable consumers to make informed choices about what they and their children see and hear. Electronic labeling is a reasonable middle ground between free speech advocates and parents seeking to control what their children see and hear.

As has been widely noted, the Motion Picture Association of America has been successfully labeling motion pictures for over 27 years. These ratings have helped the motion picture industry, because prior to these ratings localities imposed their own ratings systems and movies were banned from some towns and cities. Not helping consumers

make informed choices and not facilitating parental control over children's access to information can result in more onerous consequences, as is demonstrated by recent efforts in Congress to pass further legislation regulating violent and indecent programming.

Far from limiting creative latitude or reducing audiences, labeling information will expand creativity and insure more enjoyable and useful products for all consumers. Motion picture producers have, for many years, catered to different cultural and regulatory conditions. Movies are cut differently for U.S. theatrical release, network television, pay television and airlines. They are also cut differently for European, Far East, Middle East and Latin American markets. Not providing these alternatives means not participating in these markets. Providing them expands markets.

To make information labeling practical, it must be seen by the industry as a way of increasing the value of products and programs, not just as an added expense. Increasing value is inherent in the concept of labeling. With the vast number of alternatives now available to consumers, they will need assistance in finding programs and other information they are interested in. Electronic labeling can provide a powerful assistance in this regard. This will make TV sets with this feature more valuable to consumers, programs with electronic labels will be easier to find, parents will have more influence over what their kids see, more viewers will be satisfied and fewer dissatisfied.

Labeling and control does not mean that the government or programmer must limit choice to viewing or not viewing a program. We can create a more sophisticated system. By rating audio and video, separately and continuously, we can interact with viewers, responding to their tastes and needs. One alternative is to bleep or mask only the offensive audio and video. Another, far more satisfying alternative is to substitute appropriate audio or video for the offensive version.

Audio substitution is quite easy to do with technology available today. Substituting video is a bit more complicated for transmitted signals because of the bandwidth requirement, but is not impossible, even today. And soon, it will be not very difficult at all. Both audio and video substitution are well within the capability of today's technology for any stored information. For example, video tapes, video disks, CDs, audio

tapes and ROM memory can store substitute data, video or audio and present the appropriate information based on the users setting of a control.

This way of looking at information labeling and control stimulates many ideas to expand user choice and satisfaction. Programs can be labeled for many characteristics in addition to sex and violence. Stories can be labeled as a love story, adventure, comedy, tragedy and so on. The names of directors or stars can be included in the labels. "How To" programs can be labeled for expert or novice users, presenting the right information to each user. Electronic labels could stimulate new marketing opportunities. For example, the source of products or services shown within programs could be included as electronic labels. That way, when viewers see or hear something they like, they can find out where to buy it by displaying the label on the screen. Electronic labels could even include the phone number, price and other information about the product or service.

By electronically labeling television programs and providing viewers with the means to make their interests known, everyone is served. Viewers gain by the expansion of informed choice; television set manufacturers, programs producers and distributors gain by providing customers with more of what they want; and society gains through freedom of choice, informed decisions, and parents who can determine what their children watch on television.

IPPV Enterprises has several specific comments to offer in response to the FCC Notice.

Multiple ratings. The Notice anticipates and the IPPV Enterprises supports the notion of multiple rating systems. The Notice refers in many places to multiple industry rating systems and notes that the FCC has not taken any position with respect to the NAB, NCTA and MPAA joint proposal. The Notice states: "{g}enerally, we prefer an open, flexible approach to the development of industry standards and regulation that would accommodate the possible development of multiple ratings systems." No where does the Commission indicate that it intends to bar the use of other ratings systems. While Field 1 of Line 21 contains information relative to closed captioning requirements and Field 2 of Line 21 can contain other information (such as extended data services), there is ample room for multiple ratings systems. To accommodate these multiple ratings systems, a

table could be constructed for use in connection with Field 2 of Line 21, which would be a simple, easy and inexpensive way of implementing such a system. This would greatly lessen the likelihood that ratings system would have to be transmitted outside of line 21 of the VBI.

Program ratings should be given priority. As the Notice anticipates, the program ratings should be given priority over other data on Field 2; Line 21. Rating information should be sent out at least every 15 fields.

Additional information. Broadcasters should be allowed to send additional information. For example the ATSC standard allows explanations to be sent and the FCC's digital data rules allow for the sending of additional information. This information could be linked back to the ratings systems for easy consumer viewing.

Set-top boxes. The rulemaking should specifically permit the use of set-top boxes or add on boxes which facilitate making the ratings systems available to the consumer, provided that these boxes are legally authorized. The Notice raises the issue as to whether cable decoder boxes could be used to defeat blocking technology. Legal cable decoder boxes could not be used to defeat the blocking technology, because they are required to pass through line 21. However, cable decoder boxes that are illegal might not comply with this requirement. In particular, pirate boxes can be used to defeat the system, by stripping out the line 21 rating or otherwise altering the rating.

Date/time/channel. IPPV Enterprises believes that date/time/channel blocking capability would not meet the requirements of the Telecommunication Act of 1996 and should not be considered as an alternative to rating based blocking technology.

Substitution and partial blocking of scenes. Under the current ratings system, a show or program faces an all or nothing ratings system. Program suppliers should be provided the opportunity to partially block out or substitute audio and/or video for those parts of the program which do not meet certain rating requirements. This could be controlled by how the rating control is set.

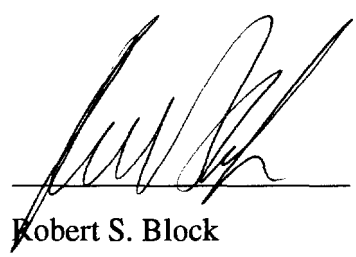
Pre-recorded material. The Commission intends to extend the requirements to DBS, MDS and video platforms operated by local telephone companies. The FCC should also raise the issue as to whether it has the authority to regulate pre-recorded materials

such as videos released through video outlet stores. This would be a valuable addition to the ratings system.

User interface. The user interface is important if the V-chip is to be successful. Included as Appendix I is a suggested user interface.

VCRs. The Notice raises the issue as to "whether VCR technology could be used to delete the program ratings information and potentially expose children using VCRs to video programming that would otherwise be blocked." The answer is to this question is yes, they could be used to bypass the ratings system, because they have baseband output. To avoid this possibility, all VCRs should be required to pass through line 21.

Existing set-tops. Many existing set-tops contain parental control functions. Cable operators should be allowed to develop devices to transcode the line 21 rating to these set-tops to enable them to block programming.



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Appendix I

The user interface must accomplish the following tasks conveniently:

•permit the authorized party (parent) to set and change the rating levels receivable by the receiver.

•prohibit unauthorized parties (children) from resetting rating levels receivable by the receiver. If changeable PIN numbers are used (as IPPV would recommend), there needs to be a means for: resetting the current PIN; and recovering from a forgotten PIN number.

•provide viewers with a clear understanding of the rating level that is currently set and the rating level of the current program.

One convenient and reasonably secure means for achieving the above tasks is to include a "LOCK" button on the remote control device. When the LOCK button is pressed, a screen display should show: the rating of the current program; a list of all the rating settings which may be selected with a description of their characteristics and an indication of the current rating setting; and a place to enter the current PIN number. The PIN is never displayed on the screen. The current PIN is required to change the rating setting or the PIN.

To reset the current rating level, the authorized user keys in the current PIN which then permits movement of the cursor to another rating level. Presetting the Enter key (or other convenient key) resets the current rating level to the new selection.

Some receiver manufacturers may wish to implement a default mode. In this case, when the authorized users sets a rating level, the system asks if this is a new default mode. If it is not a new default mode setting, when the receiver is turned off and then on again, it comes on with the default mode setting.

To reset the PIN number, the authorized party must press the LOCK button, enter the current PIN, and then press the LOCK button again. At that point, the system prompts the user for the replacement PIN. It is helpful if the system asks for a confirmation of the new PIN by requiring the user to key it in a second time.

New sets will come with a PIN or 0000 or 1234, or some other easy number to remember.

There is usually more than one adult in a household and often children of various ages. If a single PIN is authorized, each party authorized to change the rating setting would have to know that PIN. On the other hand, it would be possible to have multiple PIN numbers which would permit each authorized persons to have a separate PIN. In this case, rating limit authorizations can be established for each PIN. For example, young children may have no PIN number so they cannot change a rating setting. Older children may have a PIN number which authorizes them to reset the rating level only to the maximum level established by the parent, which is done during set-up.

By allowing the authorized user to reset the PIN and change it at any time he or she thinks the security may have been breached, there is a high risk that the user will forget the current PIN and then be unable to change the rating settings or input a new PIN. The problem may be overcome in several ways.

If only one PIN is available:

- provide a written MASTER KEY, different for every receiver, which resets the PIN to the manufacturer's original default (0000 or 1234). The authorized user would have to keep the whereabouts of the MASTER KEY from unauthorized parties. (A physical lock and key or key card could be used for this purpose also.) Even if an unauthorized party did find the MASTER KEY and used it to change the rating setting, the next time the authorized user used the rating control they would know it had been changed.
- provide a subscriber or receiver number in a convenient location. Set up a touch tone-voice response system which users can call, enter the subscriber or receiver number and receive a key sequence that permits the PIN to be reset to the 0000 or 1234 default. This key sequence should change every time it is used. The authorized party would have to keep the phone number from unauthorized parties. If an unauthorized party did phone the service and change the PIN, the next time the authorized user used the rating control they would know it had been changed. This customer support could

be provided by manufacturers, distributors, or dealers. The service could be free or a charge could be made by using a 900 telephone number.

If multiple PINs are available, the MASTER PIN can be used to reset any other PIN. If the MASTER PIN is forgotten, the above remedies can be used.

The locking mechanism may be used to protect other features offered by receiver manufacturers. For example, if an authorized party wants to LOCK the receiver, or certain channels OFF for certain hours of the day, that setting could be subject to the LOCK procedure. That way unauthorized parties can not change the ON/OFF times. In addition, if one or more programs are selected for automatic scheduling for viewing or recording, the schedule could be LOCKED using this means. That would prevent the unauthorized or inadvertent change of the schedule. While all pre-scheduled viewing or recording would not have to be LOCKED, that which is LOCKED would require entering the LOCK produced described above to change or delete the scheduled program(s).